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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,338	02/26/2004	Humberto Debien	1. 030-B . 04	3966
7590 03/21/2006				
MALLOY & MALLOY, P.A. 2800 S.W. Third Avenue Historic Coral Way Miami, FL 33129		EXAMINER SWIATEK, ROBERT P		
		ART UNIT PAPER NUMBER 3643		

DATE MAILED: 03/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/787,338

Applicant(s)

DEBIEN, HUMBERTO

Examiner

Robert P. Swiatek

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3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) 11-17 and 19-42 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 43-45 is/are allowed.
- 6) ☒ Claim(s) 1-10 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8, 10, 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Griffiths (US 4,573,725). The patent to Griffiths discloses a coupling assembly including a first component 24 for attachment to a second component 64. Locking members 28 in the form of balls are disposed near a distal end of first component 24 and are urged by a cam shaft 30—an actuation member—into an extended locking orientation for engagement with shoulder 74 of the second component 64. Linear movement of the cam shaft 30 is effected by a reversible motor 36, which is considered to be an electromotive release mechanism, a drive screw mechanism 40, and a screw 42. Ball locking members 28 are retracted when they are completely (and temporarily) withdrawn into the recess section 34 of the cam shaft 30, as illustrated in Figure 2 of Griffiths, whereupon the first component 24 is released from the second component 64. As to claim 10, the distal section 32 of the shaft 30 of Griffiths is construed to be a propulsion member inasmuch as it *propels* the balls 28 outwardly when the shaft 30 moves upwardly within the component 24 (see Figure 3 of Griffiths). With respect to claim 18, the switch or button (not shown, but implied in column 3, lines 34-39, of Griffiths) used by the operator to transmit a signal to trigger a relay 76 that ultimately results in the balls 28 being retracted is considered to

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constitute a manual release mechanism since it actuates the electromotive release mechanism. As regards applicant's contention that the locking members 28 of Griffiths are not "normally disposed in an outwardly extending locking orientation," it is noted that when component 24 is connected to element 64 of Griffiths, *a la* Figure 3 of the patent, the locking members 28 are indeed normally extended outwardly through the action of distal section 32. If such were not the case, elements 24, 64 would not be coupled together.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Griffiths. Although the distal section 32 of Griffiths is not disclosed as being magnetically charged, use of a magnetically charged distal end nonetheless would have been obvious to one skilled in the art in order to enable more efficacious and rapid retraction of the locking members 28 into the recess section 34 when the shaft 30 was lowered.

The disclosure is objected to because of the following informalities: It is unclear how propulsion member 172' is extended to the broken line position of Figure 29 so as to cause first component 18' to detach from second component 22'. Although page 37, lines 20-22, states the propulsion member contacts an inner portion of component 22' to force the first and second components apart, it would appear the components would not move due to interaction of the members 62' with the interior lip of component 22' as well as a lack of space for the extension of member 172'.

Appropriate correction is required.

The drawings are objected to because the interior dimensions of element 22' in Figure 29 would appear to prevent member 172' from extending a distance sufficient to allow the members 62' to engage the channel in element 162, i.e., the member 172' simply would contact the interior bottom of element 22' and not achieve the broken line position shown in the figure. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Examiner regrets the previous indication of allowability of claim 18.

Claims 1-10 are objected to because of the following informalities: In claim 1, line 14, the words –at least– should be inserted before "one," in line 17, the expression –at least one– should be inserted before the first occurrence of "locking." Appropriate correction is required.

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Applicant should note that claims 11-17, 19-42 must be canceled prior to allowance of this application.

Applicant's arguments filed 6 January 2006 have been fully considered but they are not persuasive. Claims 1-10, 18 are not believed allowable for the reasons set forth above.

Summary: Claims 1-10, 18 have been rejected; claims 11-17, 19-42 have been withdrawn; claims 43-45 have been allowed.

RPS: 571/272-6894
15 March 2006



ROBERT P. SWIATEK
PRIMARY EXAMINER
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